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Legal & Regulatory Group

October 24, 2001

Docket Management Facility
Federal Motor Carrier Safety Administration (FMCSA)
Room PL-401
400 Seventh Street, SW
Washington, DC 20590-0001

Re: Commercial Driver's License (CDL) Standards,
Requirements and Penalties; CDL Program
Improvements; 49 CFR Parts 350, 383, and 384;
Docket No. FMCSA-2001-9709

Ladies and Gentlemen:

The American Truck Dealers Division of the National Automobile Dealers Association (ATD) represents 2,000 franchised truck dealers who sell new and used trucks, tractors and trailers and who engage in service, repair and parts sales.

Earlier this year the FMCSA issued a proposal to amend its rules governing CDL driver standards, requirements and penalties. 66 Fed. Reg. 39248, *et seq.* (July 27, 2001). Given that truck dealers and their customers employ CDL drivers to drive commercial motor vehicles (CMVs), ATD offers the following comments and suggestions.

The regulatory proposal largely attempts to codify new statutory mandates, including:

1. Two new disqualifying offenses, i.e., driving a CMV with a revoked, suspended or canceled CDL; causing a fatality through negligent or criminal CMV operation.
2. A new emergency disqualification provision.
3. Three new serious traffic violation offenses, i.e., driving a CMV without obtaining or without possession of a CDL, or without meeting minimum CDL test standards.
4. That states obtain out-of-state drivers' license information prior to issuing a CDL.
5. That states where offenses are committed notify CDL licensing states of such offenses and that all states keep records of such offenses.
6. A prohibition on the issuance of hardship licenses for drivers who lose their CDL.
7. A new school bus endorsement.

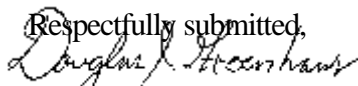
As proposed, 49 CFR §383.5 defines a *school bus* as:

..a CMV used to transport pre-primary, primary, or secondary school students from home to school, from school to home, or to and from school sponsored events. School bus does not include a bus used as a common carrier.

This definition should be amended by deleting “a CMV” and substituting “a motor vehicle designed to transport 16 or more passengers, including the driver.” Given the FMCSA’s January 2001 amendment to the definition of “CMV,” the proposed “school bus” definition arguably might apply to some motor vehicles designed to transport 9-15 passengers, including the driver. Consistent with the FMCSA’s limited application of any new requirements for these vehicles, it makes no sense to require a CDL (let alone special CDL testing) to operate a large passenger van when used as a “school bus.” Note that many large vans used for pupil transportation are operated by preschools offering before and after school care, by parents, by churches, etc. Assuming this clarifying correction is made, the actual knowledge and skill requirements for the school bus endorsement (including the grandfather provisions) set out in proposed 49 CFR§383.123 appear to be appropriate.

ATD strongly supports a requirement that states obtain driver history information prior to issuing, renewing, or transferring CDLs, and a requirement that states record and provide that information when requested. ATD also supports the 10-day interstate disqualification and traffic violation notification requirements set out in proposed 49 CF§384.208 and 209. ATD does not support the six-year phase-in set out in Section 209. The FMCSA has failed to explain how such a phase-in is justified, let alone permitted, given the statutory mandate.

On behalf of ATD, I thank the FMCSA for the opportunity to comment on this matter.

Respectfully submitted,


Douglas I. Greenhaus
Director, Environment, Health and Safety